IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 321 OF 2005

SIDDHESH M.PRABHUGAONKER,MIRAMAR GOA ....Petitioner

Versus

THE REGISTRAR,GOA UNIVERSITY AND 4 ORS., ...Respondents

Petitioner In Person
Mrs. A.A. Agni, Advocate for R.1.
Shri Oswald De Ataide, Advocate For Resp. No.2.
Shri S.S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt. Advocate for Respondents No.3 and 5.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 4th October, 2005

P.C.:

Heard the petitioner in person.

In paragraphs 3, 4 and 5 of the reply affidavit, following statement has been made :-

" I further say that the petitioner was entitled to get 4 grace marks on account of having completed 120 hours of N.S.S. programme and having completed 2 projects during the academic year 2003-2004 and the same marks which are to the extent of 1% of maximum aggregate marks of the examination were allotted to the petitioner while awarding marks to the petitioner for VIth Semester Examination. The petitioner answered his Semester Vth Examination in October 2003 and at that time, he had not completed 120 hours of N.S.S. activity. Besides the petitioner had failed in three subjects of Semester V n October 2003 examination. In April 2004 the petitioner answered the said three papers of Semester V as also appeared for papers of Semester VIth Examination. The petitioner passed

in three subjects of Semester VIth after being awarded grace marks in one subject, and two subjects of Semester V after being awarded grace marks in one subject, however the petitioner failed in the subject of Constitutional Law of the Vth as well as VIth Semester for the examinations conducted during April 2004. The College intimated to the University about completion of 120 hours and participation in 2 projects on the part of the petitioner only in April 2004 and accordingly when the result of VIth Semester was declared he was awarded 4 grace marks in the subject of Legal theory as contemplated under Ordinance 5.16.5.

I further say that after answering the paper in subject Constitutional Law -I in April 2004, and having failed to secure passing marks the petitioner had answered the same paper again in October 2004 and secured 43 marks thereby failing in the said paper. The petitioner has thereafter answered the same paper again in April 2005 and has secured 37 marks and has again failed for the said paper. It may be stated that the contention of the petitioner is that upon completion of requisite number of hours and project, the petitioner should have awarded 4 grace marks for N.S.S. activity for the Vth as also VIth Semester.

I say that the petitioner cannot be given 4 grace marks, for examination held in April 2004, in the subject of Constitutional law answered by the petitioner as the grace marks to be allotted are 1% of the maximum aggregate marks of the examination which have been already allotted to him for the semester VIth examination. I further say that N.C.C. or N.S.S. programme is required to be completed during the entire academic year. There were no unutilized grace marks in October 2003 and therefore the question of carry forward of such grace marks to the subsequent appearance of the same examination would not arise. The petitioner secured 43 marks for the subject of Constitutional law in the examination conducted in April 2005."

We find that the consideration of the matter by the University in giving grace marks is in accordance of Ordinance 5.16.5 and no violation has

been committed by the University.

Writ Petition has no merit and is dismissed in limine.

R. M. LODHA, J.

N. A. BRITTO, J.

sl.